



State of Wisconsin  
**Department of Health and Family Services**

Jim Doyle, Governor  
Kevin R. Hayden, Secretary

February 27, 2008

TO: Senate Committee on Judiciary, Corrections and Housing  
FROM: Reggie Bicha, Secretary Designee, Department of Children and Family Services  
RE: Senate Bill 496

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Good afternoon Senator Taylor and committee members. I'm Reggie Bicha, administrator of the Division of Children and Family Services at DHFS and the secretary designee for the new Department of Children and Family Services.

Thank you for the opportunity to testify in favor of Senate Bill 496. I also would like to thank Senators Coggs and Darling and Representatives Jeskewitz and Grigsby for working with DHFS to author this bill.

SB 496 addresses two issues that hinder the efforts of child welfare agencies, attorneys, and courts to keep children safe. The first issue is modifying the informal disposition statute and the second issue is lining up the various timelines for when action must be taken in children in need of protection or services (CHIPS) cases.

Informal Dispositions

DHFS initiated these changes to the informal disposition statute as part of its Milwaukee Safety Plan. As part of that plan, DHFS worked with legal and judicial stakeholders, including the Milwaukee Children's Court and the Milwaukee District Attorney's staff. Together, we developed criteria and a process to use informal disposition agreements to implement in-home safety plans to control potential impending danger threats to a child's safety.

SB 496 makes the following changes to the informal disposition statute:

- Clarifies that a child 12 years or older must consent to an informal disposition and that a parent can consent on behalf of a child younger than 12 years old.
- Allows the use of information that underlies the jurisdictional grounds of the informal disposition at the point an intake worker determines that the informal disposition is failing, even if it exceeds 40 days from the date of referral.
- Allows use of a parent's statement at the intake inquiry to support the filing of a CHIPS petition in the event that the District Attorney or the Corporation Counsel overrules the informal disposition and files a CHIPS petition.
- Clarifies the process for referring a cancelled informal disposition to the District Attorney or Corporation Counsel and the timeframes within which a CHIPS petition must be filed.
- Clarifies that the word "residential" refers to all out of home placements.
- Clarifies the deadline to file a CHIPS petition with regard to an intake worker's request of legal counsel for a CHIPS filing.

CHIPS Filing Deadline

Current law allows 60 days for a child abuse or neglect investigation and 40 days for a court intake worker to request that a CHIPS petition be filed, enter into an informal disposition or close the case. Several years ago, a court decision interpreted the statute to mean that the 60 days and 40 days ran concurrently. This varied from how the Department had always interpreted the statute and how many counties practiced, which was that the timelines ran consecutively. As a

result of the court's decision, the county lost jurisdiction in that CHIPS case. SB 496 clarifies in statute that the deadline to request a CHIPS petition must be filed within 60 days of the referral and specifies that the 60 days for the child abuse and neglect investigation and the 60 days to request a CHIPS petition are the same 60 days. This clarifies that the determination about whether a child was abused or neglected will inform the decision about whether to file a CHIPS position, enter into an informal disposition with the family or end the case.

The final change is that Chapter 48, the Children's Code, and Chapter 938, the Juvenile Justice Code, are being amended to give the court discretion to expand the 60-day deadline, thereby preserving the court's jurisdiction, if good cause exists.

Thank you again for the opportunity to testify in favor of SB 496, and thank you again to the bill's authors. Cathy and I are available to answer any questions you may have about the bill.

# SUE JESKEWITZ

State Representative • 24th Assembly District

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**Senate Bill 496**  
**Testimony before the Senate**  
**Committee on Judiciary, Corrections, and Housing**  
**February 27, 2008**

**Relating to the consequences for failure to act within a time period specified in the Children's Code or the Juvenile Justice Code, extension of certain time periods specified in the Children's Code, and informal dispositions under the Children's Code.**

Thank you Chairwoman Taylor and members of the Judiciary, Corrections and Housing Committee for hearing Senate Bill 496 today. I am unable to be here today to testify with Senator Coggs, but I wanted to share with you my reasons for supporting this legislation.

I/we have brought this bill forward to make some critical changes to how child welfare is administered, particularly in Milwaukee. As co-chair of the Joint Legislative Audit Committee (JLAC) and as a member of the Milwaukee Partnership Council, I have become all too familiar with the problems that the Bureau of Milwaukee Child Welfare is experiencing in administering child welfare services.

During the JLAC's numerous hearings on Audit Report 06-1 & 06-2, which described how the state is managing child welfare in Milwaukee, we continually asked the Department to describe what they were doing to implement audit recommendations. We were especially concerned in light of several infant and small child deaths that have been reported in the media, I am pleased to be here today to ask for your support to help the Department make two changes that will make a difference in the department's ability to protect children in Milwaukee.

Although I keep referring to the impact on Milwaukee, this legislation will impact the entire state. I am sure the Department will share with you in more detail about this bill, but in general terms, this legislation seeks to:

- Change the CHIPS filing process to make it clearer and allow adequate time to file a petition; and
- Strengthen the informal disposition statute.

Safety of children should always be our top priority and this bill is a step in that direction.

Thank you again for hearing this bill and I encourage your support for Assembly Bill 809 as it makes its way through this committee and again when it comes for a vote before the full Assembly.

